



Instructions for Completing the Permit Application for Pesticide and/or Fertilizer Application by Aircraft

Use these instructions to: 1) complete the permit application form DEP-PEST-APP-100 and 2) prepare supporting documents. These instructions are not a substitute for the requirements of the relevant statutes and any regulations thereunder. You should review all applicable laws prior to completing this application. Remember, it is your responsibility to comply with all applicable laws.

Introduction

This permit program is administered by the Pesticide Management Division of the Department of Environmental Protection (DEP). In accordance with Section 22a-66a of the Connecticut General Statutes (CGS), and Sections 22a-66-7 and 22a-54-1 of the Regulations of Connecticut State Agencies (RCSA), this program authorizes the application of pesticides and/or fertilizers by a certified aircraft applicator. Information regarding certified aircraft applicators may be obtained by calling DEP Pesticide Control 860-424-3369.

There are different requirements depending on whether the application is for agricultural use or non-agricultural use. A permit for *agricultural purposes*, such as, but not limited to, those activities listed in the definitions of “agriculture” and “farming” in CGS Section 1-1 shall be issued only after the applicant has produced satisfactory evidence that the proposed material and its method of application is not detrimental to public health, aquatic and animal life, including pollinating insects, or property not owned or leased by the applicant or applicant's representative. A permit for *non-agricultural purposes* shall be issued only if no broad spectrum pesticides are proposed to be applied. For control of gypsy moths in residential areas, this means that *Bacillus thuringiensis* (B.t.) is the only pesticide available for use.

Who Needs a Permit?

The owner of any crop or land, or the owner's representative, may apply for a permit for

application of pesticides and/or fertilizers by a certified aircraft applicator. Homeowner's associations and other voluntary associations may also apply.

In addition the following restrictions are applicable:

- No pesticide may be applied from the air to a tract of land less than 10 acres in size unless the tract of land to be treated is part of a larger parcel of land that is at least 10 acres in size.
- No pesticidal dust may be applied within 100 feet of a public highway.
- No pesticide shall be applied from the air for agricultural purposes within 200 feet of a watercourse, pond, or lake.
- Signatures must be obtained from those property owners (for all property, not just inhabited buildings) whose property is less than 200 feet (300 feet for fixed wing aircraft) from the flight path of the aircraft while pesticides are being applied.
- Roads (public or private) are considered abutting property. You will need to get permission from the road owner if you plan on spraying closer than 200 feet from them.
- If the proposed area is congested (zoned one half acre or less), or is a park, playground or swimming area, the director of health of the

municipality involved must give his approval in writing to DEP.

- Please note that permits will be granted for aerial spraying by helicopter only, except for extenuating circumstances and isolated fields.
- Helicopters will be required to have recording GPS units, and a copy of the GPS tracks must be sent to the DEP Pesticide Program for flight path verification.
- It is the permittee's responsibility to comply with local zoning ordinances, including restrictions on landing of helicopters. Failure to comply may be considered grounds for revocation of a permit.
- The Federal Aviation Administrator (FAA), the Federal Bureau of Investigation (FBI) and the Environmental Protection Agency (EPA) have all urged additional caution in the use of aerial applications of pesticides, security of storage areas for pesticides and security of parking places for aircraft.

How To Apply

Your permit application must include the following:

- A *Permit Application Transmittal Form* (DEP-APP-001),
- A *Permit Application for Pesticide and/or Fertilizer Application by Aircraft* (DEP-PEST-APP-100) and all Supporting Documents,
- Two photocopies of the application package,
- The applicable initial fee, paid by check or money order, made payable to the "Department of Environmental Protection".

Note: The initial fee is the total permit application fee due. There is no discount for municipalities.

You must submit the above materials together as a package to:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

When submitting your permit application, label your supporting documents as directed on your application form and always include, on each document, the applicant's name as indicated on the *Permit Application Transmittal Form*. When additional space is necessary to answer a question stated in the application, please insert additional sheets by the appropriate question. Label each sheet with the applicant's name as indicated on the *Permit Application Transmittal Form*, along with the corresponding part number and question number indicated on the permit application form. You should retain a copy of all documents for your files.

Notification Requirements

1. For aerial application of pesticides and/or fertilizers *other than Bacillus thuringensis* (B.t.), each landowner or resident whose property lies within 200 feet (helicopter) or 300 feet (airplane) of the flight path of the aircraft must sign a written release waiving his or her right to object to the proposed spraying. Signatures must be collected on the *Property Owner Release Form-Aircraft Application of Pesticides and/or Fertilizer* (DEP-PEST-APP-101) and must be submitted with the permit application package as Attachment E. For those persons whose signatures were not obtained, the flight path of the aircraft must stay 200 feet (helicopter) or 300 feet (airplane) away from the property line of those persons. Roads (public or private) are considered abutting property. You will need to get permission from the road owner if you plan on spraying closer than 200 feet from them.
2. For aerial application of *Bacillus thuringensis* (B.t.), the applicant must notify, *in writing*, at

least 31 days prior to the proposed spraying each landowner or resident whose property lies within 200 feet (helicopter) or 300 feet (airplane) of the flight path of the aircraft. The form entitled *Property Owner Notification-Aircraft Application of Bacillus thuringensis (B.t.)* (DEP-PEST-APP-103) must be used to provide notice of spraying. This form is included with the permit application package as Attachment F.

Note: For the purpose of this application property means *all* property, not just inhabited buildings. Roads (public or private) are considered abutting property. You will need to get permission from the road owner if you plan on spraying closer than 200 feet from them.

The persons notified may object to the proposed spraying, *in writing*, within 30 days of the date notification was received. Objections are to be sent to the permit applicant and forwarded to DEP with the permit application package. B.t. shall not be applied from the air if a landowner or resident whose property is under the spray pattern or whose property is subject to drift from the spraying objects to the proposed spraying.

Proof that all persons were notified must also be sent to DEP with the permit application package as Attachment G. Proof of notification must consist of one of the following: 1) receipts of certified mail, 2) certificates of mailing, or 3) *Waiver of Right to Object Form-Aircraft Application of Bacillus thuringensis (B.t.)* (DEP-PEST-APP-102A and 102B) signed at the time of personal delivery of notification.

If all landowners or residents whose property lies within 200 feet (helicopter) or 300 feet (airplane) of the flight path of the aircraft waive their right to object by signing the *Waiver of Right to Object Form-Aircraft Application of Bacillus thuringensis (B.t.)* (DEP-PEST-APP-102A and 102B), that area may be sprayed prior to the expiration of the 30 day objection period, provided,

however, all information requested has been submitted and a permit issued.

Inspections

For *agricultural crops, nurseries and orchards*: After receipt of the application package, the area to be sprayed will be inspected by the Connecticut Agricultural Experiment Station. Inspectors will look for aerial hazards and neighboring crops/areas in the immediate vicinity which may be affected. In addition, they will verify property owner releases.

For *non-agricultural areas*: After receipt of the application package, the area to be sprayed will be inspected by DEP. Inspectors will look for aerial hazards and will verify property owner notification.

Permit Application Instructions (DEP-PEST-APP-100)

Please read the application form and instructions carefully. They have been designed to obtain specific information and any information that is missing or unclear will cause delays in the review process. If any questions are not applicable to your specific activity, please enter “N/A” in the space provided. If a question or supporting document is only required for specific activities it will be noted on the application form and in the instructions.

Please be advised that these instructions are not a substitute for any state or federal regulations. Be sure to refer to the applicable statutes and regulations while completing your application.

Check the “Available Resources” section at the end of these instructions for assistance in obtaining guidelines, maps, etc. which are referenced in these instructions.

Part I: Permit Type and Fee Information

1. Check the appropriate space to identify the size of the area to be treated.

2. Please note: effective August 21, 2003 the fees have increased as shown on the permit application form and must be included with the application package in order for the application to be processed. There is no discount for municipalities.

Part II: Applicant Information

When completing this part, please use the following standards:

- *Name* - Provide the full, legal *company/firm* name. (If identifying an entity registered with the Secretary of the State, fill in the name exactly as it is shown on the registration.) If identifying an *individual*, provide the full legal name (include title and suffix) in the following format: Title (Ms, Dr, etc.); First Name; Middle Initial; Last Name; Suffix (Jr, PE, PhD, etc.).
 - *Phone* - Unless otherwise indicated, the phone number provided should be the number where the individual can be contacted during daytime business hours.
 - *Contact Person* - Provide the name of the specific individual within the company whom DEP may contact.
1. *Applicant* - Fill in the name and phone number exactly as it appears on the *Permit Application Transmittal Form*.
 2. *Primary Contact* - If you have authorized a consultant, engineer, attorney or other individual to act for you during the processing of the permit application, complete this section. DEP will direct copies of all correspondence and inquiries to this primary contact.
 3. *Attorney* - It is not required that an applicant be represented by an attorney or any other agent. If you do have an attorney, complete this section.

4. List the person(s) or company that will be applying the pesticides. Also indicate the certification number given by DEP for certified aircraft applicators.

Part III: Site Information

1. List the towns and streets or lot names where the pesticide application will take place.

If the properties do not have street numbers, describe the location in terms of the distance and direction from an obvious landmark such as an intersection with another roadway, a bridge, or a river. For example,
“ . . . on River Street, approximately 1000 feet north of its intersection with Bear Swamp Road.”

2. If a GIS/ID number has been assigned to this location through your previous permit, please indicate this number in the space provided. The GIS/ID number is referenced in the permit.
3. *Coastal Management Act Consistency*

Activities within the state's coastal area must be consistent with the Connecticut Coastal Management Act (CGS Sections 22a-90 through 22a-112). You may be required to complete a *Coastal Consistency Review Form* (DEP-APP-004) to demonstrate that the activity is consistent with the standards and policies of the Connecticut Coastal Management Act. To determine whether this requirement pertains to you, you must first decide if your activity is, or is proposed to be, located in either the coastal area or the coastal boundary.

The *coastal area*, as defined in CGS Section 22a-94 (a), includes the land and water within the following towns:

Branford	Guilford	Old Saybrook
Bridgeport	Hamden	Orange
Chester	Ledyard	Preston
Clinton	Lyme	Shelton
Darien	Madison	Stamford

Deep River	Milford	Stonington (Borough
East Haven	Montville	and Town of)
East Lyme	New London	Stratford
Essex	New Haven	Waterford
Fairfield	North Haven	West Haven
Greenwich	Norwalk	Westbrook
Groton (City and	Norwich	Westport
Town of)	Old Lyme	

The *coastal boundary*, as defined in CGS Section 22a-94(b), is a designated region within the coastal area. It is delineated on DEP-approved coastal boundary maps which are available for review at the DEP Office of Long Island Sound Programs (OLISP), the DEP File Room, and municipal offices of towns located in the coastal area. Copies of these maps may also be purchased from DEP Maps and Publications.

Activities within the coastal boundary:

If your activity is, or is proposed to be, located in the coastal boundary, you must complete a *Coastal Consistency Review Form* (DEP-APP-004) and submit it with your application as Attachment C.

Activities outside the coastal boundary but within the coastal area:

For permit applications for activities located outside of the coastal boundary, but within a town in the coastal area, you are not required to submit a *Coastal Consistency Review Form* with your initial application materials. However, DEP may notify you that submission of this form is required to process your application depending upon the specific activities to be conducted and their potential impact on coastal resources.

If you need copies of the *Coastal Consistency Review Form*, call the Permit Assistance Office 860-424-3003. For assistance in completing the form, or if you have questions on this process, call OLISP at 860-424-3034.

4. *Endangered And Threatened Species*

Although this question is optional, DEP strongly encourages all applicants to conduct a review of the following information as soon as possible and to resolve any outstanding issues, where feasible, before submitting their permit application to DEP to ensure a more timely and efficient review of their permit application.

CGS Section 26-310 provides that any activity authorized by a state agency, including any activity issued a permit by DEP, must not threaten the continued existence of any endangered or threatened species. If your activity is located in an area of concern, DEP's Connecticut Natural Diversity Data Base (CT NDDB) program will conduct a detailed review to determine if there will be any impact from your project and you will be notified of their results.

Note that current research projects and new contributors continue to identify additional populations of species and locations of habitats of concern, as well as, enhance existing data. Such new information is incorporated into the CT NDDB as it becomes available. Therefore, please be aware that additional information and/or surveys, other than those specified in this section, may be required to support the CT NDDB.

How to Use the Maps

DEP has produced a set of maps entitled "State and Federal Listed Species and Natural Communities" (NDDB maps). These maps serve as a preliminary screening tool to assist in the evaluation of impacts to endangered and threatened species.

In order to determine whether your proposed activity may threaten the continued existence of an endangered or threatened species, you should review the NDDB maps. The maps are available in the DEP File Room at 79 Elm

Street, Hartford, as well as with each town planner. NDDDB printed maps and GIS data are also available for purchase from the DEP Store.

The maps are based on USGS quadrangle maps and cover the entire State of Connecticut. To use the maps, locate the project boundaries and any additional impacted areas on the appropriate map(s). If you are not sure on which quadrangle the project is located, use the quadrangle index map to identify the appropriate quadrangle(s).

No Conflict

If the project is **not**

- within a shaded area; or
- overlapping a water body that has any shading; or
- upstream or downstream (by less than ½ mile) from a shaded area

the project will not impact any known occurrence of listed species or significant natural community. When applying for your DEP permit, indicate on your permit application form that the maps were reviewed and list the date of the map (located in the map legend). You do not need to complete and submit the *CT NDDDB Review Request Form* (DEP-APP-007).

Potential Conflict

If any part of the project **is**

- within a shaded area; or
- overlapping a water body that has any shading; or
- upstream or downstream (by less than ½ mile) from a shaded area

then the project may have a conflict with a species or natural community.

In the case of a potential conflict, a completed *CT NDDDB Review Request Form* (DEP-APP-007) with a project description and a

copy of a map (a 1:24,000 USGS quadrangle map) clearly showing the project boundaries must be submitted to the CT NDDDB program at the address specified on the form.

When submitting your permit application, please include, if applicable, a copy of the completed CT NDDDB Request Form along with any other correspondence provided to or received from the CT NDDDB program, including copies of any field surveys, with your application as Attachment D.

NDDDB staff will perform a more detailed review of projects identified as having potential conflicts. (Note: NDDDB review generally takes four to six weeks.) Depending on the nature and scope of the proposed project, you may be required to obtain additional on-site surveys.

NDDDB will return a “no conflict” response if listed species or significant natural communities will not be impacted based on the scope of the project activities and project location. This “no conflict” response can be submitted with the permit application form or forwarded to the DEP permit analyst working on your project.

If the project potentially impacts listed species or significant natural communities, the appropriate DEP division will provide recommendations to avoid endangered and threatened species or recommendations to minimize impacts to species of special concern and significant natural communities. The comments will vary depending on the scope of the proposed project or activity and the extent of the information available on the species or community to be impacted. DEP staff reviewing permit applications will take these recommendations and comments into account while conducting their review and may incorporate appropriate conditions into their permit decisions.

If you have any questions on this process prior to submitting your application, call the Permit Assistance Office 860-424-3003.

5. List the approximate acreage of the area to be treated.
6. List the names of the pests to be controlled.
7. Identify the plants or type of area to be treated. Tobacco, corn or residential woodland are examples.
8. Identify the chemicals to be used, including trade names, formulas and rates of application per acre.

For non-agricultural areas, no broad spectrum chemical pesticides may be used from the air. *Bacillus thuringensis* (B.t.) is the only pesticide to be used to control gypsy moths in residential areas.

For agricultural areas, the following pesticides are currently approved by DEP for aerial use:

Bacillus thuringensis (B.t.)
Carbaryl (Sevin)
Malathion
Diazinon
Mancozeb/Maneb
Acephate (Orthene)
Copper Hydroxide
Dimethomorph

Additional pesticides will be considered on a case by case basis.

Note: Endosulfan (Thiodan) is no longer permissible for aerial application.

9. Provide the projected date(s) of pesticide use. In order to ensure adequate time to process and review your application, please submit your application at least 35 days prior to the projected date(s) of pesticide use.

10. Provide the location site where the aircraft mixing/loading is conducted. This must be in accordance with local zoning regulations.

11. Describe where the pesticide storage site is located.
 - a. Describe how the storage site is secured.

Part IV: Supporting Documents

All permit applications must include Attachments A through H, unless otherwise noted in these instructions. Check the appropriate space by each attachment being submitted as verification that all applicable attachments have been submitted. Please label all attachments as referenced in the permit application form and these instructions and be sure to include the name of the applicant as indicated on the *Permit Application Transmittal Form*.

Attachment A1: United States Geological Survey (USGS) Map

Submit as Attachment A1 an 8 1/2" x 11" copy or an original of a USGS Topographic Quadrangle Map, at a scale of 1:24,000 indicating the exact location of the area to be treated. DEP will use this map to enter your project location into its Geographic Information System (GIS). It is important that you accurately locate the project site and proposed activities because the GIS generates natural resource information relevant to your site. An inaccurate description of the project location will delay processing of your application.

The quadrangle name should be noted on the copy of the map submitted. See Figure A, at the end of these instructions, for an example of how a USGS Map must be labeled when submitted.

Attachment A2: Town Assessor's Map

Submit as Attachment A2, a copy of the town assessor's map of the property or any other map which clearly shows the property boundaries and neighboring properties. Clearly delineate on the map the areas to which you wish to have pesticide

applied by aircraft and note the names of the abutting property owners.

Attachment B: Applicant Compliance Information Form

CGS Section 22a-6m provides for DEP review of an applicant's record of compliance with the environmental laws of Connecticut, any other state, and the federal government. Under the law, DEP may consider the applicant's environmental compliance record, as well as the record of the applicant's principals and any parent companies or subsidiaries, when reviewing a permit application. All permit applications for activities not previously permitted by DEP must include a completed *Applicant Compliance Information Form* (DEP-APP-002) as Attachment B. The form includes a series of questions that the applicant must answer. If you answer yes to any of the questions on this form, you must complete the Table of Enforcement Actions as follows:

1. Type of Enforcement Action: Identify each enforcement action as one of the following:
Administrative order (including consent orders)
Judgment, order, or decree
Criminal conviction
2. Date: List the date each administrative order was issued or civil or criminal action was commenced.
3. Jurisdiction: For each listed enforcement action, indicate whether a state court, a federal court, a state agency or a federal agency was involved. Identify such court or agency.
4. Case/Docket Number: List the case or docket number of each enforcement action listed.
5. Description of Violation: Provide a brief description of the violation involved in the listed enforcement action and any requirement or penalty imposed as a result of such action.

You do not need to submit copies of any documents associated with any enforcement actions with your application initially, although DEP retains the right to request these documents at a later date.

Attachment C: Coastal Consistency Review Form

Activities within the state's coastal area must be consistent with the Connecticut Coastal Management Act (CGS Sections 22a-90 through 22a-112). You may be required to complete a *Coastal Consistency Review Form* (DEP-APP-004) to demonstrate that the activity is consistent with the standards and policies of the Connecticut Coastal Management Act. Please refer to the instructions in Part III, item 3, to determine if this requirement pertains to you.

Attachment D: Connecticut NDDB Review Request Form

Submit copies of any correspondence provided to or received from the CT NDDB program, including a copy of a completed *CT NDDB Request Form* (DEP-APP-007) and copies of any field surveys previously conducted to determine the presence of any endangered, threatened or special concern species as Attachment D as explained in Part III, item 4 of these instructions.

Attachments E through G: Notification Forms

The property owner release forms, property owner notification forms and/or the waiver of right to object forms must be attached to the application and filled out in accordance with the notification requirements of these instructions.

Attachment H: Local Health Department Approval

If the proposed treatment area is congested (zoned one half acre or less), or is a park, playground or swimming area, the director of health of the municipality involved must give his or her approval in writing to DEP. Please submit a copy of the written approval as Attachment H.

Part V: Application Certification

The certification of the application package must be signed as follows:

1. For an individual(s) or sole proprietorship, by the individual(s) or proprietor, respectively;
2. For a corporation, by a principal executive officer of at least the level of vice president;
3. For a limited liability company (LLC), a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s).
4. For a partnership, by all general partners;
5. For a municipal, state, or federal agency or department, by either a principal executive officer or a ranking elected official or by other representatives of such applicant authorized by law.

An application will be considered insufficient unless all required signatures are provided.

Available Resources:

Below is a list of possible resources for specific information required for this application. Be sure to first check your local town hall or library for maps and other reference materials.

- Coastal Boundary Areas: Town Hall and/or DEP Maps and Publications; "Coastal Boundary Map"
- USGS Topographic Quadrangle Map: DEP Maps and Publications, 860-424-3555, or USGS Office, 303-202-4700
- Town Assessor's Map: Town Hall
- Endangered or Threatened Species Areas: DEP File Room, 860-424-4180; "State and

Federal Listed Species and Natural Communities"

- Drinking Water Supply Wells and Reservoirs: Town Hall and/or DEP Publications Office; "Community Water Systems Map" (private wells not shown)
- Archeological or Historical Landmarks: Town Hall or Connecticut Historical Commission
- Land Conservation Areas: Town Hall and/or DEP Maps and Publications; "Open Space Map"
- Soil Series Description and Delineation: County Soil and Water Conservation District Offices and State Soil Conservation Service Office
- Pollution Prevention: A variety of pollution prevention publications are available from the Office of Pollution Prevention, 860-424-3297
- U.S. Army Corp of Engineers
696 Virginia Road
Concord, MA 01742-2751
800-343-4789; 978-318-8335; 978-318-8338
- State and federal statutes and regulations are available for review at various locations:
State Library (Hartford)
University of Connecticut Law School (Hartford)
Yale University Law School (New Haven)
Superior Courthouse Libraries (located throughout the state)

Both the DEP Maps and Publications 860-424-3555 and the DEP File Room 860-424-4180 are located on the store level at 79 Elm Street, Hartford, CT. Please call the appropriate office in advance for hours of operation.

Boundary of aircraft application

